IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 6127 of 2007()

CRLMP.2802/2007 of D.C. & SESSIONS COURT,KOLLAM
CRIME NO.281/2007 OF OACHIRA POLICE STATION

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PETITIONERS:

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1. **SREENATH, S/O. CHANDRASEKHARA PILLAI,**
   VAISHNAVAN VEETTIL, CLAPPANA, THEKKUMMURI,
   CLAPPANA VILLAGE, KARUNAGAPPALLY, KOLLAM.

2. **SABEEN, S/O. THAMPY,**
   VALIYAKANDATHIL HOUSE, CLAPPANA NORTH,
   CLAPPANA VILLAGE.

3. **SANIL, S/O. CHELLAPPAN,**
   SATHEESH BHAVANAM, CHANAPPALLY LAKSHAM VEETTIL,
   CLAPPANA NORTH, CLAPPANA VILLAGE.

4. **RAJEEVAN, S/O. RAJAN,**
   CHANAPPALLY LAKSHAM VEETTIL, CLAPPANA NORTH,
   CLAPPANA VILLAGE.

5. **SUNIL @ KURUP, S/O. SUKUMARAN,**
   KOTTAYIL VEETTIL VARUVILA, CLAPPANA NORTH,
   CLAPPANA VILLAGE, KARUNAGAPPALLY, KOLLAM DISTRICT.

6. **SIVARAM, S/O. GOPINATHA PILLAI,**
   SIVAJAYA BHAVAN, PRAYER THEKKU, CLAPPANA VILLAGE,
   KARUNAGAPPALLY, KOLLAM.

BY ADV. SRI.S.RAJEEV

RESPONDENTS:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM (CRIME NO.281 OF 2007 OF OCHIRA POLICE STATION).

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING BEEN FINALLY HEARD ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6127 OF 2007

Dated this the 10th day of October, 2007

ORDER

Application for regular bail. The petitioners are accused 1 to 6. They allegedly belong to the R.S.S. On account of political animosity, they are alleged to have attacked the deceased with dangerous weapons on 19/7/07. The deceased was an active C.P.I.(M) worker being the Joint Secretary of the S.F.I. He had suffered as many as 64 injuries. Investigation is in progress. All the accused are named in the F.I.R. The incident took place in broad day light. It was allegedly a planned operation. Accused 2 and 3 were arrested on 6/8/07. All the other accused/petitioners were arrested on 25/7/07. They continue in custody from those dates. An earlier application for bail filed by the petitioners was dismissed by this Court as per the order dated 19/9/07 in B.A.No.5468/07.

There was an observation that the petitioners can approach this Court again later - not prior to 3/10/07. Accordingly, this petition has been filed on 3/10/07.

2. I have already adverted to the facts in detail in the earlier order. This order must be read in continuation of the said order. I am hence not adverting to the facts in any greater detail in this order.

3. The learned Public Prosecutor opposes the application. A tense law and order situation prevails in the locality. Considering the nature of the motive, the manner of attack, the stage of investigation etc., the petitioners may not be enlarged on bail now, submits the learned Public Prosecutor.

4. I find merit in the opposition by the learned Public Prosecutor. Having considered all the relevant circumstances, I take the view that the petitioners are not entitled to be enlarged on bail at this stage.

5. In the result, this bail application is dismissed. I may hasten to observe that the petitioners shall be at liberty to move this Court or the courts below for bail again at a later stage of the investigation – not, at any rate, prior to 23/10/2007. The

Investigator shall, in the meantime, make every endeavour to complete the investigation.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge